

STATE OF VERMONT

In re) Fair Hearing No. H-06/09-345
)
 Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Office of Vermont Health Access (OVHA) denying him coverage for acupuncture treatments under the Vermont Health Access Program (VHAP). The issue is whether acupuncture is a covered service under VHAP.

DISCUSSION

The facts are not in dispute. The petitioner, a VHAP recipient, has requested VHAP coverage for acupuncture treatments for a chronic medical condition on the advice of his physician as an alternative to more expensive (VHAP-covered) traditional treatment that is likely to be required in the future. OVHA has notified him that acupuncture treatments are not covered under the VHAP program.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations, which apply to VHAP coverage as well, state that “[a]cupuncture and services performed in connection with acupuncture are not covered.” W.A.M. § M618. Moreover, VHAP, unlike Medicaid, has no provision for exceptions to non-coverage based on medical necessity or detrimental health consequences. See Id. § M108. As the Department's decision denying VHAP acupuncture coverage to the petitioner is in accordance with its regulations, the Board is bound to uphold the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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